

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN FAUTENBERRY,	:	
	:	
Petitioner.	:	DEATH PENALTY CASE
	:	
vs.	:	Case No.: C1-00-332
	:	
BETTY MITCHELL, WARDEN,	:	JUDGE: GRAHAM
	:	
Respondent.	:	MAGISTRATE JUDGE: KEMP
.. .. .	:	

**PETITIONER JOHN FAUTENBERRY'S
DESIGNATION OF RECORD ON APPEAL**

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DESIGNATION OF RECORD ON APPEAL**

Pursuant to Rule 11 of the Federal Rules of Appellate Procedure, Petitioner John Fautenberry respectfully requests the Clerk of the Court to prepare, assemble and timely transmit the Record on Appeal to the United States Court of Appeals for the Sixth Circuit. The record on appeal should include the following:

1. Corrected Petition for Writ of Habeas Corpus. [Doc. 13];
2. Joint Table (all fourteen volumes) [Doc. 30];
3. Warden's Motion to Dismiss Procedurally Defaulted Claims [Doc. 31];
4. Corrected Response to Motion to Dismiss [Doc. 44];
5. Petitioner's Motion for Limited Discovery [Doc. 46];

6. Petitioner's Supplemental Response to Warden's Motion to Dismiss Procedurally Defaulted Claims [Doc. 49];
7. Order Granting Limited Discovery [Doc. 51];
8. Order Granting in Part Warden's Motion to Dismiss Procedurally Defaulted Claims [Doc. 52];
9. Warden's Return of the Writ [Doc. 61];
10. Petitioner's Motion for an Evidentiary Hearing [Doc. 79];
11. Petitioner's Traverse [Doc. 86];
12. Order Denying Petitioner's Motion for an Evidentiary Hearing [Doc. 95];
13. Order Denying Release of Grand Jury Material [Doc. 100];
14. Order Denying Habeas Petition [Doc. 103];
15. Clerk's Judgment Entry [Doc. 104].

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the within *Petitioner John Fautenberry's Designation of Record on Appeal* was filed electronically on May 11, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

Dennis L. Sipe
Counsel for Petitioner,
John Fautenberry